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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,315	09/18/2003	Yiou-Wen Cheng	250320.1040	5447
24504	7590	09/17/2007		
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			EXAMINER LAO, LUN S	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 09/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/665,315

Applicant(s)

CHENG ET AL.

Examiner

Lun-See Lao

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-28.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's amendment has overcome the rejection under 112 2nd paragraph which is now withdrawn.

Regarding claim 1, applicant argued that DeFreitas does not teach advancing the Front M channel sound signal for a second time value. (Remarks, pages 11-13). The examiner respectfully disagrees. DeFreitas teaches Front M channel by the optional left front channel (fig. 5). Advancing the Front M channel sound signal for a second time value is met by the fact that the optional left front channel combines an undelayed left front channel signal and a delayed signal 142L (fig. 5), which results in a smaller delay, ie, a relative advance, of the optional left front channel. See abstract; Figs. 1 and 5-6; column 2, line 59 to column 3, line 17; column 6, line 29 to column 8, line 37. Thus, DeFreitas meets advancing the Front M channel sound signal for a second time value as claimed. It is noted that applicant mischaracterized (page 12, third paragraph) the examiner's position of 'which results in a smaller delay, ie, a relative advance, of the optional left front channel'. It is the 'relative advance' corresponding to the 'smaller delay' that was relied on to meet the 'advancing' as claimed. Applicant has not provided any specific underlying analysis of DeFreitas as to why the relative advance (advance in relative term, as discussed in detail in the rejection) relied on in the rejection does not meet the claimed "advancing the Front M channel sound signal for a second time value" of claim 1. Regarding applicant's arguments directed to the motivations to combine (Remarks, pages 13-15), the differences were explicitly identified in the Office action on page 9, first paragraph under heading 7, and on page 10, first paragraph under heading 8. The respective motivations to combine Greenberger and Miles into DeFreitas were taught by Greenberger and by Miles, as recited by the Office action, on page 9, third paragraph under heading 7 and on page 10, third paragraph under heading 8. Such motivations were clearly not based on hindsight. Regarding the argument that the rejection did not resolve the level of ordinary skill in the art, the level of ordinary skill in the art at the time of applicant's invention was taken into consideration during the evaluation of applicant's claimed invention and the prior art of DeFreitas, Greenberger and Miles, as guided by MPEP, section 2141.03. Therefore, applicant's arguments are not persuasive.